2493

A CHARGE TO THE CLERGY, OF THE ARCHDEACONRY OF St. ALBAN's, IN THE YEAR MDCCLXV.

To which are Annexed,

Inſtructions for Miniſters, Church-Wardens and others, in forming true and complete Terriers of Glebe-Lands and other Poſſeſſions belonging to Churches; [illegible] in Wales, under the direction of Biſhop SHERLOCK.

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ARCHAEOLOGIA

OF THE

GREEK

TO THE

A CHARGE TO THE CLERGY.

REVEREND BRETHREN,

IT is usual to declaim vehemently against the corruption and depravity of the Age. There is much affectation as well as ill nature in such general topicks. Whether the present Times are worse than the former, is a question which has been debated by many that pretend to have a perfect knowledge of the world, but was

never yet determined by the few that have. It may ſeem important; but the deciſion of it would be of leſs uſe in life than this ſingle reflection, that it is in every body's power to contribute ſomething towards the general amendment.

Tho' the Clergy of the Church of England have great reaſon to thank God, that the virtues and graces of the clerical character, together with a pious zeal for the ſalvation of the ſouls of men and the advancement of God's kingdom of righteouſneſs, are warm and active in the breaſts of very many, yet while a door is open for baſe and unworthy perſons to poſſeſs themſelves of ſpiritual and eccleſiaſtical functions and promotions, and for many more, who have otherwiſe very fair pretenſions, to obtain them in a manner diſgraceful to themſelves and their profeſſion, it will be impoſſible to put to ſilence the public obloquy.

Or, if the cauſes of the decay of piety and pure religion among the people be narrowly enquired into, I am perſuaded that it will be found to proceed in a great meaſure from the practice of making merchandize of advowſons and next avoidances; a practice not eaſily reconcileable either to the laws of the Church, or to the ancient laws of the Land, or to the nature of Patronage conſidered as a Truſt for the benefit of the ſouls of men.

This

This, it may be, you do not ſo readily apprehend; and yet upon reflection the effect will be very evident.

For it being the profit and the emoluments of the Benefice which many who have come into their preferments by this kind of traffic chiefly look after, they are not ſo diligent as they ought to be in diſcharging thoſe important duties, which the ſervice of God requires—to gain the eſteem and affection of the people committed to their charge, without which little good can be done, by a decent and hoſpitable reſidence among them; by offices of charity and kindneſs to maintain the authority and importance of the miniſtry; to do the duties of their places with diligence and care, and to be patterns themſelves of every chriſtian virtue; theſe are not the things which they covet——the defalcations that have been made in their temporal eſtates muſt needs be ſupplied—their ordination-vow to lay aſide the ſtudy of the world is therefore entirely forgotten—they live like laymen in contempt of the wholſom orders of the Church for the grave and decent behaviour of the Clergy,—they are more concern'd to fleece their flocks than to feed them—they are hardly prevailed upon to beſtow a part of their yearly revenue upon the neceſſary repairs of their manſions and chancels, and therein ſet a bad example to lay-impropriators who hold their tythes under the ſame truſt and obligation—they care not how ſhamefully they neglect their cures themſelves, or how

ſcandalouſly

ſcandalouſly their churches are ſupplied by others, if they can make a good bargain—their main concern in the choice of their Curates is not who will ſerve them beſt, but who will ſerve them cheapeſt—and it rarely happens, that they regularly preſent their Curates to the Biſhop of the dioceſe or to the Ordinary of the place for examination and admiſſion; becauſe the Biſhop or the Ordinary, having regard to the greatneſs of the cure and the value of the benefice, will at the time of granting his Licence appoint a ſufficient and certain ſtipend or allowance.

What a reproach it is to the Church of God in this land, if the unequal diſtribution of preferments introduced by this kind of traffic be deemed an inſufficiency of the general revenue or a defect in the eſtabliſhment!

What a ſore check to the ſucceſs of the Proteſtant cauſe, if our Univerſities are thereby neglected, and conſequently that kind of learning which is acquired there, and which together with a diligent application to the ſtudy of the Holy Scriptures has always been eſteemed fundamental at leaſt to an accurate diſcuſſion of the points in controverſy between Proteſtants and Papiſts!

What a miſchief to the people, who *ſeek the Law at the Prieſt's mouth*, for *he is the Meſſenger of the Lord of Hoſts*

Hoſts, if in many caſes of conſcience the parochial clergy are not able to give them that particular advice and ſpiritual direction which they ought, for want of an early application to moral and caſuiſtical divinity and a competent meaſure of ſkill and experience therein; contenting themſelves therefore with the performance of the public offices of the church, and looking after no other acquiſitions for the pulpit than ſuch as are readily ſupplied from the ſhops!

What if the Prophet's charge be applicable to ſome among ourſelves! It ſeems, the prieſts of his own time were grown remiſs in their improvements in divine knowledge; they did not underſtand to what purpoſe they ſhould take ſo much pains to ſtudy the Law and the difficult points of it; they affected a freedom of converſation, and had learned to conciliate the favour and eſteem of the people by an unreſerved compliance with their manners and practices; in the words of the Prophet, *they all looked to their own way, every one for his gain from his quarter.*

What an indignity it is to the pious munificence of temporal Princes and other benefactors, who have been the Founders of Churches, that the ſeverity of the laws againſt the deteſtable ſin of Simony or corruption in the diſpoſing or obtaining of any eccleſiaſtical promotion

promotion or miniſtry, has been found ineffectual to ſuppreſs it!

What a prejudice it brings upon a wiſe Inſtitution, which would not confine the ſufficiency of the maintenance of the clergy merely to the neceſſaries of life, but would render it in ſome ſort proportionable to the more ample proviſion of other orders of men, if the remedy that the laws give againſt the inconveniencies attending pluralities be defeated!

Or if the Inſtitution itſelf, which was wiſely adopted at the Reformation as convenient and neceſſary for the decent ſupport of a married Clergy, is become the great reproach of this Proteſtant Church!

What an abuſe is it of the many legal proviſos for qualified men, if the force and effect of the ſtatute againſt pluralities and non-reſidence be in a great meaſure fruſtrated for the private emolument of ſome, where there is not antecedently a juſt and ſufficient cauſe! it is this alone, which can ſatisfy the conſcience of a good man in obtaining a licence contrary to the primary intention of the law. For the diſpenſation is granted to obviate the danger, penalty and forfeiture in the ſtatute compriſed, as it is expreſſed in the ſtatute itſelf; (21 H. 8.) ſo that the Pluraliſt, who has gone to market for his qualification as well as his preferment, can

can only say that the law doth not deprive him; but how will he excuse himself in point of Residence, where there is no pretended cause for the dispensation of so much moment to the Church as the necessary attendance on parochial cures is universally esteemed to be? There are some very just and allowable ends, which the Law proposes in dispensations; to wit, the public service, the encouragement of learning and the reward of merit; and where there is incompetency of maintenance, a particular provision has been made. In these cases the severity of the ancient Canons is with reason abated, and a Clergyman is admitted to a second benefice and supposed to undertake it under those measures and allowances which the Law and the Canons have approved of. But this is still a matter of conscience, and every wise and good man will esteem it an indispensable duty not to undertake more than he is willing and able to discharge.

The abuse will still be greater; if contrary to the tenour of the same statute, which chiefly intended a more ample provision for the inferior Clergy, no regard is had to the insufficiency of smaller benefices in the disposition of the most valuable of the parochial preferments. This evil, great in itself, has in former times been very much aggravated; when prelates, who being otherwise men of morose dispositions, and in truth totally ignorant of the true constitution of the Church, and the state

and intereſts of the clergy, under the opinion of a ſtricter obſervance of eccleſiaſtical diſcipline, have refuſed that diſpenſation which the law has happily provided for holding two Livings in the popular ſenſe, tho' perhaps both together would hardly be ſufficient to afford half a maintenance.

Or if we conſider the ſtatute as intended only to be a limitation of the papal power by reſtraining the clergy from going to Rome for diſpenſations, and at the ſame time granting them in great abundance at home, and thereby authorizing the abuſes that had ariſen out of the canon of one of the worſt Councils that ever ſat; in this view, the ſtatute againſt pluralities and non-reſidence inſtead of reforming the abuſe has eſtabliſhed it by the great latitude of its proviſos; it has been in effect the occaſion of as much ſcandal and diſorder in the Church as it was intended to remove. And may it not be urged, that as the papal party encountered every difficulty in oppoſing a formal declaration of the obligation to reſidence by divine right, only that room might be left for the diſpenſing power of the Pope, the Reformers likewiſe had as little regard to the primitive diſcipline in aboliſhing the ſame? Is not the argument from the neglect of the paſtoral care, which gave ſo great an advantage to the firſt Reformers, turned againſt us? or can there be a ſeverer reproach to our national Church than this, that no attempt has ever been made in any other

Kingdom or State in Chriſtendom to ſet aſide the obligation to reſidence and perſonal labour? It is indeed the glory of this Church, that in its main and moſt eſſential parts it is formed upon the model of the primitive doctrine and diſcipline; yet the papiſt and the ſeparatiſt will be ready to ſay that the plea of its ſuperior excellency would be leſs diſputable and more entire, if it could ſhew a primitive ſpirit in its adminiſtrations, as well as a primitive pattern for its conſtitution.

Do we truſt that we were inwardly moved by the Holy Ghoſt to take upon us the ſacred Function to ſerve God, for the promoting of his glory and the edifying of his people? The charge that is given and the ſolemn vows and promiſes that are made in the forms of Ordination are the aptaſt that could be contrived to excite in them that are ordained a religious ſenſe and conſcientious regard of the duties of the holy vocation, without any Enthuſiaſm on the one hand, if they be underſtood and anſwered truly according to the ſenſe of the Church, or any doubts or miſgivings on the other concerning the reality of this inward motion. But where is this ſerious call in men of no education, or a very improper one at leaſt? Who ſolicit the ſacred character with wonderful confidence and importunity, tho' deſtitute of the ordinary qualifications which entitle the mechanic to the freedom of his trade or company, and find the way to it too eaſy upon ſham Titles; to be

ready for an excepted vacancy, or to be inſtituted perhaps upon their own prayer (a novel practice, which the law does not know) and to enter upon the work of the miniſtry with a double charge incompatible with the real ſervice of God and his Church, upon a qualification too ex gratiâ & favore which is precluded by the Statute. For a man to make this ſacred vow and profeſſion, and at the ſame time to know within himſelf that he is not determined by any religious motive; what is it elſe but an impious profanation of the Name of God and his Holy Spirit? It has always been eſteemed a very unfavourable and melancholy circumſtance with regard to religion, that the Biſhops who have the care of all the ſouls in their reſpective dioceſes ſhould be bound by law to commit that care to many who are unworthy; yet it is poſſible to forebode a much more dreadful calamity to our national Church, ſhould it ever happen that the Power of Ordination, which alone has been left entire in the hands of the Biſhops, ſhould in effect be as much controuled by the influence of the great and powerful, as the other parts of their authority by writs and prohibitions from the temporal courts. What a heavy complaint of the diminution of the eccleſiaſtical authority would it have been, if the civil power had broken in upon the free and unreſtrained exerciſe of this moſt important part of the Epiſcopal Office? or if a power had ariſen to the Superiors out of the eccleſiaſtical and civil laws, to receive an appeal where there lies no material

objection

objection according to the conſtitutions and rules of the Church, or to inhibit ordination where there does!

What a detriment ariſes to Religion and Learning, if from any other cauſes that may be ſuggeſted, due encouragement be withheld from learned and good men! What a ſource of inſuperable diſquietude and diſtreſs to an honeſt, conſcientious, pious and exemplary Clergy, if many ample endowments for the ſupport of religion, to maintain ſufficient labourers in God's vineyard, and to diſtinguiſh thoſe who have abilities to do ſervice to Chriſtianity, be miſapplied?

Has it not the appearance of a wrong œconomy, that a number of worthy men, deprived thus of their maintenance and reward, wear away an unprofitable life in obſcurity, who might otherwiſe have been a public bleſſing and an ornament to mankind?

Is it not injuſtice, that they ſhould be compelled to make themſelves underlings to bad men, whoſe ſucceſs is their merit and one preferment ill-gotten qualifies them for another, till an exalted ſtation becomes an eaſy and regular promotion without any claim from perſonal abilities or clerical accompliſhments?

Is

Is it not injuſtice aggravated by cruelty, that ſome are entirely cut off from every proviſion in life, and are therefore the moſt injured becauſe they are the moſt helpleſs ſet of men in the community, being incapable of any ſecular office or employment?

And are not theſe things ſo? or can they be otherwiſe? ſo long, I mean, as places of wealth and honour in the church are to be obtained by ſimony and corrupt agreements, by unworthy and baſe compliances, by diſhonourable marriages, by favour and affection without regard to merit, by political attachments, and other contemptible and wicked arts; while many are called from the army and the navy, from the inns of court and the public offices, from trade, and ſome of the loweſt occupations in life, to be Teachers of divine knowledge, having never learned any thing of it themſelves or gone through thoſe ſtudies which are neceſſary preparatives thereto.

It is likewiſe very worthy the conſideration of the clergy, whether the eſteem and affection of the laity is not in a great meaſure alienated from us, while they obſerve ſo many graſping eagerly at church-preferments only to enjoy the emoluments without performing the duty. They are led thereby to think amiſs of the whole

order

order, as if they were a mean and baſe ſort of people, whoſe only concern it is,

——————————niti præſtante labore
Ad ſummas emergere opes, *rerumque* potiri.

In vain do we complain of Impropriations, which have deprived ſo many miniſters of that endowment whereby the ſervice of God was to be ſupported, while Preſentations are daily accepted upon terms injurious to many ſmall pittances that remain for that purpoſe. Pittances diſcouraging indeed! tho' all imaginable honeſt applications be uſed for the improvement thereof; as ſome among yourſelves very well know, and I myſelf can teſtify it, who in the courſe of my parochial viſitations through this anciently well endowed Peculiar have lamented the forlorn and miſerable ſtate of many churches not exceeding fourſcore pounds in the clear yearly value, half of theſe not amounting to forty pounds per Annum, and ſome of them barely to twenty. We may therefore very reaſonably hope, that their poverty will exempt every new Incumbent from a fine upon admittance.

In vain do we complain, that the Public ſuſtains ſo much diſhonour and detriment by the abuſe of patronage. While there are to be found conductitii presbyteri (mentioned by the Canoniſts) who will take livings to farm

farm without a title, or who being admitted ad curam animarum retain a ſmall portion of the temporalities, it is no wonder that Patrons will make the moſt of their own, or (to uſe the words of the Reformatio legum) ut properiodum nulli ſint, qui beneficia integra & illibata cum univerſo jure commodorum omnium gratis in miniſtros eccleſiarum conferant. If clergymen, who by the ſacredneſs of their character are forbid *to buy and to ſell and to get gain*, will ſo far forget the dignity of their function as to ſubmit to many low and unſeemly methods of traffic, can it be expected that the laity will forego any advantages which they are told are fair and legal? without doubt, the patron will deem it juſtifiable to put in for a ſhare of the fruits of the benefice as well as the preſentee, who deſigns nothing elſe himſelf than to receive the rents and the emoluments.

It was to remedy the unſpeakable miſchiefs of this kind of traffic and to check the unwarrantable practice of obtaining Bonds of reſignation upon notice——it was to remove the ſcandal and reproach which it brings upon the church——it was moreover to reſcue the clergy from ſlavery and oppreſſion (which was the primary intention of the ſeverity of the law againſt Simony)—— theſe were the motives that have determined many worthy Prelates, what reſpect and honour are due unto their names! to adopt a moſt excellent plan pointed

out

out many years ſince to the Governors of the Church by a true and zealous friend of our civil and eccleſiaſtical Conſtitution, who was afterwards one of the greateſt ornaments to this See;

First, To refuſe orders to any perſons whatſoever without good and ſufficient titles, which will leſſen the number of thoſe who are ready to ſubmit to bonds of reſignation: and

In the next place, Not to admit or accept any reſignations without the ſtricteſt inquiry and the fulleſt ſatisfaction concerning the motives and reaſons upon which they are made, which will in a great meaſure counteract and fruſtrate the purpoſe of ſuch bonds, tho' not entirely ſuppreſs them.

For notwithſtanding the words of Reſignation, which the Ordinary as a Judicial Officer has a power to accept or refuſe, have always been *purè, ſponte, abſolutè & ſimpliciter*—notwithſtanding the Law is as expreſs againſt corrupt reſignations as againſt corrupt bargains for preſentations, and all ſuch as are ſufficient cauſes of deprivation of an incumbent ſeem to be ſufficient cauſes to refuſe a preſentee, among which ſimony being the principal is deprivation and diſability too by our old eccleſiaſtical law——notwithſtanding too the perſon corruptly taking, procuring, ſeeking or accepting any benefice

is thereupon adjudged a disabled person in law by the words of the statute——all indirect bargains for money, as well as other considerations, have not thereby been prevented. Notwithstanding an injunction has sometime been granted in Chancery to restrain the patron from proceeding upon the Bond, where a bad use has been made of it in treating with a purchaser for the benefice, and demanding a greater price for it because he could compel an immediate resignation; tho' the common law detests simony and all corrupt bargains for presentations; yet bonds of resignation having always found much favour and countenance in the temporal Courts, the best and strongest laws are thereby become fruitless and ineffectual. Nevertheless, to speak only upon the foot of the statute, tho' neither *money, reward, gift, profit or benefit* be expressed as the condition of such bonds, they do still most undoubtedly convey some profit or benefit, or they never would have been invented in order to avoid the force and defeat the intention of it. And upon the whole it is very obvious, that this mischievous and pregnant evil can only be cured effectually by an act of parliament declaring all such bonds to be utterly void, fruitrate and of none effect. This is the great desideratum for the dignity and honour, the welfare and security of our Protestant Church.

Another

Another part of the ſame excellent plan, and which has been found very effectual to remove many inconveniencies ariſing from corrupt preſentations, is this; not to permit unlicenſed Curates or Miniſters without proper credentials to ſerve in any place, and moreover to withdraw ſuch licence or permiſſion, as have been granted, from thoſe who refuſe nevertheleſs to reſide in the pariſh where they have been appointed to ſerve, or at leaſt ſo near it that they may conveniently perform their duty therein. For this purpoſe I tranſmitted to our late excellent Dioceſan Biſhop Hayter, by his expreſs order and direction, an authentic liſt of the unlicens'd and non-reſident curates and miniſters within this juriſdiction; and he told me that he had given or intended to give the ſame orders to the reſt of his archdeacons; adding, that the great conflux of the emiſſaries from Rome within the Metropolis and its neighbourhood called upon him very earneſtly to know the extent of their ſtrength, to be jealous of the increaſe of it, and to keep it under ſuch reſtraints as the ſafety of Church and State requires. But alas! it pleaſed God not to permit him to fulfil the great deſigns which he was meditating, with a pious Zeal for the honour and ſecurity of Both. We were all very ſenſibly affected with the loſs of this great Prelate. A ſurer teſtimony of your hearty concern for the real intereſts of Religion there could not be; and upon the ſame principle, I perceive, ye

are ready to cry out with one voice

——*non deficit Alter.*

It would be injurious to ſuſpect many worthy Prelates, who endeavour with the utmoſt care by every legal method to guard againſt corrupt and ſimoniacal preſentations, of any kind of intention to leſſen thereby the juſt and legal rights of patrons, or to raiſe the eccleſiaſtical power higher than the law of the land hath raiſed it. Patrons enjoy many privileges by our laws, which are not allowed them in other countries where the Eccleſiaſtical law is ſtricter than here in England; and any attempts to encroach upon theſe privileges, or with this view to add rigour to the power and authority of the Church, would be highly abſurd and unwarrantable, unconſtitutional and dangerous.

But as to the Right of Patrons, this nevertheleſs ought always to be attended to; it is not an original and abſolute Right to diſpoſe of benefices in an arbitrary manner, but it is a limited Truſt repoſed in them to nominate fit perſons to diſcharge the duties of their places. The Right is defined *honorificum, oneroſum & utile*; and they that are poſſeſſed of it are called *Advocati* & *Patroni*, from the protection which they are bound to give to the Church and their Clerks, by the compact between the Biſhops, who had the original right of nomination, and themſelves. The prudence and ſocial

virtues

virtues of ſome clergymen, the learning and admirable parts of others, or their wiſdom, courage and integrity, are the beſt recommendations to particular ſtations in the Church. Theſe together with an exemplary piety are the qualifications which the end of all eccleſiaſtical preferments requires; they ſet forth in the ſtrongeſt light the dignity and importance of patronage. And it is a great abuſe of this Truſt, if patrons at any time ſubſtitute their particular intereſts, their paſſions, humours or affections, inſtead of the motives which ought to influence them; it is a great reproach to themſelves, that many opportunities of promoting the honour of religion, the ſervice of God, and the edification of the people, are made a profane ſacrifice to private views.

Such were the ſentiments which have regulated the conduct of many eminent perſonages in their ſeveral ages; hence it is, that piety, integrity, wiſdom and reſolution have ſo remarkably diſtinguiſhed their characters. And their policy was ſuch as may wiſely be adopted in the times of the greateſt ſecurity againſt Popery. For ſhould it ever happen, which God forbid! that the number of patrons who are againſt our happy eſtabliſhment ſhould increaſe among us, it is eaſy to foreſee from the wicked arts that are daily practiſed to evade many ſalutary laws now in force, that it will become neceſſary to deviſe other expedients to hinder the

titles

sides of parochial cures from falling into the hands of Papists, which would much facilitate the introduction of Popery, when so many Protestant Incumbents might so easily be turned out by bonds of resignation. The consideration of the exceeding great mischiefs arising from this alienation of patronages, whereby this sacred Trust is oftentimes thrown into the hands of those who abuse it to the scandal of the Church and the dishonour of Christianity, very seriously and piously affected a great and worthy Nobleman, who, when his steward recommended a plan for raising a large sum of money by the sale of presentations and advowsons, declared that he would rather sell the most useful and valuable furniture in his house. And the consequences are much the same, whether a sale or a deed of gift be made of the honour of religion and the spiritual welfare of a number of poor souls, who are in danger of being left under the ministry of an unworthy pastor. Upon this principle, Archbishop Sands being solicited by the Lord Treasurer Burleigh, to whom he was under very great obligations, for a particular preferment in his church, alledged that he thought the nomination to an ecclesiastical preferment was not like an ordinary favour of arbitrary disposition, but an act of justice and piety, and as such a matter of strict duty. The ecclesiastical memoirs inform us likewise, that powerful application having been made by a greedy courtier, who affecting a certain good prebend had procured

cured ſome great perſonages to direct their letters to Biſhop Ridley for that purpoſe, this occaſioned an earneſt addreſs from the good Prelate, wherein he earneſtly expoſtulated what a diſcouragement it would be to the Preachers of God's word, if their rewards ſhould be thus raviſhed from them; what a manifeſt diſregard to the merits of many worthy Clergymen in his dioceſe, whoſe labours he eſteemed real obligations to himſelf, if by ſuch a miſapplication one of them ſhould die unpoſſeſſed of a dignity in his church. And in our own times we have known a very great Prelate, not leſs diſtinguiſhed by his candour and politeneſs than his inflexible honour and integrity, diſmiſſing a ſuitor in the very act of preſenting to his Grace many earneſt recommendations of the great and powerful, with theſe ſpirited words, "I ſet them all aſide, it is a matter of "truſt."

It is owing, I ſuſpect, in a great meaſure to the meanneſs and ſervility of the Clergy in their applications and addreſſes, that the decorum which ought to be kept up in beſtowing good offices is almoſt loſt, and inſtead of the overflowings of liberality and benevolence in patrons, their kindneſſes for the moſt part taſte of the ſediments of a ſelfiſh diſpoſition. The commerce between the mighty and their dependants, whom they have been pleaſed to take under the protection of their friendſhip and promiſed favour, and to make a ſort of creditors as

well

well for the homage they have accepted as the hopes and expectations they have given, would if juſtly repreſented do ſo much good at leaſt as to teach the latter the beſt way in the world to make themſelves conſiderable with great people, the art of living without them. We have heard of patrons that are ſlow in receiving impreſſions of kindneſs and quick in taking offence; who complain of the ingratitude of their dependants, owing perhaps to their own want of ſkill in diſtinguiſhing proper objects of their favour, or their ungracious manner in beſtowing kindneſſes; who are unmindful of their former engagements, which being really debts of honour ought according to the common maxim to be paid firſt; who deſpiſe the early objects of their friendſhip, and with a peculiar diſcernment of merit ſtrive to extend their favours to every new pretender; and it is no wonder, if a natural kind of chagrin will ariſe on this mortifying reflection, "pericrunt tempora "longi Servitii," yet he is looked upon to be an humoriſt and untractable who is capable of being ſour'd at a diſappointment. And it is indeed a diſpoſition moſt unbecoming a clergyman, whoſe contentment and reſignation under all the viciſſitudes of life has a peculiar merit and ſatisfaction, if it proceeds as it ought from religious principles. Hence it is that many ſenſible men have not paid their addreſſes of duty and reſpect ſo aſſiduouſly as might be expected, diſdaining with a becoming delicacy the odious ſuſpicion or the more reproachful

proachful insinuation of soliciting preferments, which in the strictest scrutiny of their conduct they may seem to deserve; or else have withdrawn themselves betimes, knowing this, that the losses are very inconsiderable which the modest man sustains in the ordinary occurrences of life; at least he preserves his character and the supreme happiness of self-enjoyment, as the frugal man improves his fortune, "quanto sibi plura negaverit."

On the other hand, that many wordly-minded Clergymen should sacrifice the honour and dignity of their profession to the empty projects of avarice and ambition, does sensibly affect the grave and serious, who from their hearts disdain the methods of promotion that are now in use. Their proceedings are oftentimes so open and undisguised, it is as unnecessary to expose them, as it would be impossible to do it without some bitter words of reproach. Others perhaps not having been conversant in such matters themselves, apply to those whose business it is to understand the law, or at least to live by the practice of it; a confident, rapacious and naughty tribe of men, who deal in the traffic of church-preferments; who have cases and precedents in their books for bonds of resignation; have next avoidances to dispose of, where the incumbents are sick and ready to die, perhaps dead already; presentations to sell with stipulations for immediate vacancies

declared by public advertiſements; exchanges to be made upon moderate terms, or reſignations *permutationis cauſſâ* with many collateral conditions annexed or at leaſt ſome ſecret article *ad communicand' ſuper penſione annuâ*; and finding it a profitable branch of trade are Factors for ſimonaical contracts. And ſince theſe ſpiritual-brokers carry on their buſineſs with ſo much art and addreſs, that many unwary perſons are drawn into ſimony before they are ſenſible of the miſchiefs which they incur, it is a matter of very great importance to be well informed, how far ſuch practices are conſiſtent with the Laws and with an indiſpenſable part of the preſent as well as ancient conſtitution of the Church, the Oath againſt ſimony at every inſtitution.

They ſay, that patronage is of a mere temporal nature, and as much a temporal Inheritance as a Manor or other thing to which it is appendant. And it is very true, that patronage in England is accounted a temporal matter; and therefore it was that the 31ſt of Elizabeth was enacted, for the diſcouragement of ſimony by puniſhing corrupt patrons who were out of the reach of the eccleſiaſtical laws. Yet ſince the conſent of the Biſhops, who had nothing elſe in view than the advancement of piety, was the foundation of the right of patronage, it cannot follow from the patron's being now veſted with it by the common law that it does not partake at all of a ſpiritual truſt; and as for what they call

call appendancy, it amounts to nothing more than this; that a truſt of a ſpiritual nature reſts in the ſame perſon to whom the temporal inheritance belongs, and is become hereditary likewiſe: or having been originally parcel of the ſame is now ſevered therefrom.

Their next pretence is, that tho' the word "ſimony" be indeed applied to ſome indirect practices in obtaining benefices, yet what theſe are the laws muſt determine, meaning the ſtatute of Queen Elizabeth. For reaſons which are very well underſtood by them who urge this argument, the general deſign of that ſtatute was to diſcourage ſimony by laying new penalties upon ſuch branches of it as are particularly ſpecified in the enacting part; but it does not go about to repeal any eccleſiaſtical laws concerning ſimony or to determine wherein ſimony conſiſts, much leſs to reſtrain the nature of a ſimoniacal contract to the letter of the ſtatute. The eccleſiaſtical laws are therefore ſtill the proper rule and meaſure whereby the nature of ſimony is to be determined, with this difference only; that whereas theſe crimes were before the ſtatute inquirable and puniſhable by the eccleſiaſtical Judge only, they may now in ſome caſes ſpecified in the ſtatute be brought before the civil Magiſtrate alſo.

They alledge likewiſe, that ſince the making of the ſtatute the juriſdiction of the ſpiritual courts is taken

away, ſo that there can be no ſimoniacal act but what is againſt the purport of the ſtatute. But it ſeemeth to be the much better opinion, that the eccleſiaſtical juriſdiction ſhall not be taken away in any act of parliament but by expreſs words. To this purpoſe might be cited the judgment of the King's Bench upon the queſtion, whether the ſtatute of 7 and 8 William hath by inflicting a penalty of ten pounds on every man married without licence or publication of banns taken away the juriſdiction of the ſpiritual court, which was delivered by Lord Hardwicke Chief Juſtice, that the eccleſiaſtical juriſdiction is not taken away by the ſtatute, but that both the juriſdictions do well ſtand together. And that the ancient eccleſiaſtical law is ſtill in force where it is not taken away by the expreſs words of the ſtatute, is evident from the more familiar inſtance of an incumbent taking a ſecond benefice where the former is under eight pounds: it is evident that ſuch a pluraliſt is not liable to the penalty of the ſtatute, nor does the ſtatute confirm him in the poſſeſſion of his former benefice; it leaves him to the eccleſiaſtical law as it ſtood before, which makes him liable to deprivation and gives the patron a right to preſent upon ſuch deprivation. Or need I remind you of the learned argument of our late excellent Dioceſan Biſhop Sherlock to this purpoſe? that the ſtatute which inflicts a new penalty upon non-reſidence, cannot by the affirmative only ſuperſede the right which the Ordinary

dinary has by the laws of the Church to puniſh non-reſidence by eccleſiaſtical cenſures. But to come directly to the point: as in the ſtatute 5 Elizabeth the cogniſance of ſimony is plainly acknowledg'd to belong to the eccleſiaſtical courts, there is moreover in the ſtatute of the thirty firſt of the ſame Reign a ſpecial ſaving to the eccleſiaſtical juriſdiction, which more immediately concerns the clergy, and ought to be attended to with great deliberation and caution by every one that is admitted to an eccleſiaſtical benefice; *viz.* "It ſhall not in any wiſe extend to take away or re-"ſtrain any puniſhment, pain or penalty, limited, pre-"ſcribed or inflicted by the Laws eccleſiaſtical." So far then are the ancient eccleſiaſtical laws againſt ſimony, and the authority of the ſpiritual courts in the execution of theſe laws, from being ſuperſeded by this Act, that they are expreſſly confirmed thereby; and the obſervation of the learned Archbiſhop Wake, that the ſtatute is not privative of the juriſdiction of the Church or its Conſtitutions, but accumulative, is deciſive in this matter. For the intention of the Statute againſt abuſes in preſentations being only to check and reſtrain ſimony more powerfully in ſuch notorious inſtances of it as are particularly ſpecified in the enacting part, the cogniſance of the eccleſiaſtical laws extends much farther to the puniſhment of all promiſes, as well as contracts, of what kind ſoever, that partake at all of the nature of ſimony, as it is defined by the Canoniſts

Canoniſts " ſpiritualium ſive ſpiritualibus annexorum, " præcedente pacto promiſſionis, conditionis, modi, " ſervitii, vel cujuſlibet temporalitatis, receptio ſeu do- " natio."

Another ſubterfuge they make uſe of, which is this; that penal laws oblige only to undergo the puniſhment. And this is very true, where laws are only conditional or disjunctive, either you muſt do this or pay the penalty; but the caſe is very different, where obedience is chiefly intended, and the penalty is annexed in order to enforce the law more effectually. Is there nothing then of conſcience in the matter? no reverence to the ſacred obligation of an oath? no regard due to the conſtitutions of the church made on purpoſe to reſtrain men from the moſt ſordid practices? no attention given to the main deſign of the ſtatute, which being made for the avoiding and ſuppreſſing of corruption, and conſequentially for the advancement of worthy and ſufficient perſons, ought to be expounded moſt beneficially to theſe purpoſes?

For tho' the deteſtable ſin of ſimony may appear, and I fear does appear to many, to be merely notional, yet it is more real and extenſive too than is generally imagined; for as well by ſtatute as by the canon law, he who maketh a corrupt contract is ſimoniacus, and he who is promoted upon ſuch contract, altho' he be

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not privy to it himſelf, is ſimoniacè promotus. I ſay, the ſin of ſimony, execrable as it is before God to buy and ſell ſpiritual and eccleſiaſtical functions and promotions, is more real than is generally imagined, becauſe it is for the moſt part accompany'd with perjury, the preſentee being ſworn to commit no ſimony; and it is more extenſive too, becauſe he is ſworn to have made no ſimoniacal payment (either by exchange, or recompence, or confirmation of what had been given before, or by bequeſt or remiſſion) no contract or promiſe (either by word or ſtipulation) directly or indirectly, by himſelf or by any other to his knowledge or with his conſent, to any perſon or perſons whatſoever; for or concerning the procuring and obtaining of the eccleſiaſtical dignity, place, preferment, office or living whereunto he is to be admitted (reſpectively and particularly naming the ſame) nor will at any time hereafter perform or ſatisfy any ſuch kind of payment, contract or promiſe made by any other without his knowledge or conſent. So that the oath againſt ſimony, which is to be taken on every Inſtitution to a benefice, being enjoyned not by the Courts of common law in purſuance of the ſtatute, for then it would be to be underſtood according to the ſenſe and meaning of the ſtatute, which mentions only money, reward, gift, profit or benefit, but by the eccleſiaſtical laws which make ſimony of a much larger extent; the canonical oath, I ſay, whether it be interpreted by the plain tenour of it,

it, or according to the language of former oaths, or the notions of the catholic Church concerning ſimony, is againſt all promiſes whatſoever, indirect as well as direct; and tho' a perſon comes not within the ſtatute by promiſing money, reward, gift, profit or benefit, yet he becomes guilty of perjury if he takes the oath after any promiſe of any kind whatſoever.

I have on a former occaſion taken a diſtinct view of the ſtatute itſelf, and endeavour'd to ſhew at large, that it is founded in that Freedom which is eſſential to the nature and importance of Patronage conſider'd as a Truſt, and has moreover a peculiar regard to the deſign and dignity of the clerical Function, the honour of our moſt holy Religion, and the intereſts of this Proteſtant Church.

I obſerved to you particularly concerning bonds of reſignation, what I very much ſuſpect to be true, that a clergyman who gives ſuch bonds comes within the penalties of the ſtatute, becauſe he gives in effect ſo much to obtain a benefice as it is of leſs value to him than if he had obtained the benefice without ſuch bonds; the patron too accepts ſo much for the preſentation as that intereſt can be valued at, which is to him ſo much profit or benefit received thereby. They are within the reaſon and intention of the ſtatute at leaſt, and therefore cannot be juſtified in law; they are againſt the ſcope and

deſign

deſign of the oath againſt ſimony, and therefore can much leſs be juſtified in conſcience. In a word, the canonical oath being of much larger extent than the ſtatute, the leaſt violation of the ſtatute becomes a matter of conſcience to him who takes the oath; wherein every man is his own judge, and every offender carries a ſeverer puniſhment in his own breaſt than any human laws inflict.

I am ſorry to ſay it, there are many melancholy apprehenſions of the encreaſe of Methodiſm and Popery. There are doctrines amongſt us which the ſuperſtition of ſome, and the wickedneſs of others, renders them very eager to receive, and there are practices too which very much diminiſh the former veneration for the church of England; and both have a tendency to ſubvert it. The people are expoſed to the perplexities of Calviniſm, or led away by the extravagant opinions of the Moravians; and are thrown into deſpair or preſumption, enthuſiaſm or ſuperſtition. Such is the Moderation of this Proteſtant Church, not many years ſince an elaborate defence of popery was publiſhed in the Metropolis; and very lately we have read the moſt impudent arraignment of the Reformation from the pen of a papiſt, that ever was obtruded upon a free and intelligent people. Such too are the artifices of its inveterate enemies, that the public has been amuſed in the ſame performance with a defence (however contemptible it be in itſelf) of the Pope's ſupremacy and infallibility under the pleaſant vehicle of hiſtory and biography: like the profeſs'd writers of romances, they

take for their plot ſome great revolution of a ſtate or government, and therein the lives and tranſactions of ſome noble perſonages, eminent perhaps for their learning, modeſty, humility and good nature, in which they inſert ſuch other characters of men and things, and mix ſuch circumſtances and ſecret tales, filled with foul calumnies and diſguiſed malice inſtead of ſober ſenſe and ſound argument, as may operate moſt powerfully upon the multitude, whoſe humours and affections are apt to be ſour'd or inflamed by ſuch crudities. At other times, the pretended philoſophy of modern ſceptics gives them an opportunity of preaching up popery and ſuperſtition under the ſpecious pretence of defending Chriſtianity. And ſhould the old ſtratagem be revived hereafter of gaining proſelytes by comparing the higheſt opinions of ſome in our Church with the loweſt opinions of ſome in theirs, it is very obvious, that many intricate and dangerous poſitions which have been held by ſome of our own Communion will render the differences between the two churches very inconſiderable. If in contradiction to their ſubſcription to the Book of common prayer ſome of our own clergy have ſet aſide or alter'd the Liturgy at their pleaſure, the great bulwark of our Eſtabliſhment is in danger of being thrown down; if in ſome occaſional forms there are expreſſions which breath a ſpirit of party and reſentment more than of piety and devotion and the true temper of chriſtianity, ſo far we depart from the decency, gravity

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and purity of the Reformation; if ſome new unintelligible account of the Sacrament of the Lord's ſupper be ſubſtituted for the inſtruction of Chriſtians, inſtead of a plain and ſcriptural one, the doctrine of tranſubſtantiation will gain an eaſier admittance; if in the adminiſtration of the Lord's ſupper the cuſtom of ſome is to pronounce only the initial words "the body of our "Lord Jeſus Chriſt, and the blood of our Lord Jeſus "Chriſt" leaving out all that follow, we may fairly preſume that they are not very averſe to the doctrine of the council of Trent concerning the true body of Jeſus Chriſt and His true blood under the ſpecies of bread and wine; which next to the doctrine of Infallibility is of all their tenets the moſt valued by the members of the Church of Rome, and is in itſelf the moſt important, being the main part of their worſhip and the chief object of all their devotions. Many other notions have been revived by unwary or ill-deſigning men, which have a manifeſt tendency to reconcile the deluded people to the errors, idolatries and tyrannies of the Romiſh Church; the learned and the unlearned are doing the work of Papiſts, and advance more than half way to meet them. We have heard of many religious as well as political tenets, which by the verſatile maſters of debate are adapted to each ſide of the queſtion. The Jeſuits have read with pleaſure the very ſame arguments urged by Proteſtant Divines in ſupport of ſome favourite notion of little uſe to Chriſtianity,

which the moſt eminent men of their own Church have employed to pervert the Reformed to the ancient ſuperſtition; others, which had long been of ſervice to the Proteſtant cauſe, and if properly attended to would have prevented the admiſſion of thoſe corruptions at this day ſo groſſly deforming the ſimplicity of the Chriſtian worſhip through the greateſt part of the Chriſtian world, have with equal indiſcretion at leaſt been ſeverely cenſured. The writings of the popiſh clergy and others of that religion have been recommended with much unguarded zeal and a wonderful inattention to their inſidious deſigns in theſe voluntary offers of their ſervice, where (we are confident) it is not wanted; on the other hand, ſome of the beſt writers in the Proteſtant Church, whoſe abilities and integrity were of the moſt eminent uſe to it, have been attacked with an over-bearing petulancy, which does not promiſe any conſiderable aſſiſtance to the cauſe of Religion and Liberty, ſhould principles inconſiſtent with either ever prevail. Theſe are real difficulties and diſcouragements to the Parochial clergy: it will be impoſſible for them to fix the people committed to their charge and to keep them ſteady in the profeſſion of the pure doctrines of the proteſtant religion, without the aſſiſtance of the great maſters of controverſy, that truly *amica vis paſtoribus*, which exerts itſelf in maintaining the outworks of the Reformation and guarding the paſſes where the enemy may enter. The ſturdy

Polemic

Polemic, or the gentle Didactic writer, who in all his arguments and reſearches never loſes ſight of the diſtinguiſhing parts of our Conſtitution and its real intereſts, infallibly raiſes to himſelf a high reputation of knowledge and ability; all others, empty and fleeting as the phantoms of their own imagination, have the ſemblance only of policy and learning. Like the ſage Tireſias, compared with the puny ghoſts in the Elyſian fields,

Οἷος πέπνυται· τοὶ δὲ σκιαὶ ἀΐσσουσι.

And ſuch was Biſhop Ellys. To illuſtrate and vindicate the Reformation on the principles of religious and civil Liberty was a work ſuited as well to the candour and benevolence of his diſpoſition, as to the admirable accompliſhments of his mind, his extenſive knowledge and ſound judgment. His Tracts, which the public is now in poſſeſſion of, tho' they furniſh us with another reaſon to lament that he did not live long enough to compleat his deſign, is the moſt conſiderable work and the moſt excellent in itſelf that has been publiſhed for many years; as it directs and forms the attention of the clergy and the laity to the moſt important intereſts of Proteſtants and Engliſhmen.

The Eccleſiaſtical methods for reclaiming Recuſants are ſet forth in the 66th, the 110th and the 114th Canons

nons. The firſt of theſe directs Miniſters to confer with popiſh recuſants, and to labour diligently to reclaim them from their errors: Biſhops alſo ſhall uſe their beſt endeavour, by inſtruction, perſuaſion and all good means they can deviſe. By the next, the fautors of any uſurped or foreign power by the laws of this realm juſtly rejected and taken away, or the defenders of popiſh and erroneous doctrines, ſhall be detected and preſented by the Churchwardens. And by the laſt, Miniſters ſhall inform themſelves of the number of papiſts and perſons popiſhly affected within their reſpective pariſhes, and ſhall preſent them to the Ordinary yearly, under pain of ſuſpenſion: and ſuch preſentments as ſhall be exhibited to ſuch Ordinaries ſhall be deliver'd by them to the Biſhop, by the Biſhop to the Archbiſhop, and by the Archbiſhop to the King. It is obvious, that theſe Canons are very inadequate to the purpoſes for which they were intended. It muſt not therefore be imputed to any careleſſneſs or inattention in the Governors of the Church, that popery is daily getting ground upon us. No wonder, if the eccleſiaſtical Conſtitutions for the reclaiming of popiſh recuſants are become a dead letter, when the ſtatutes themſelves are permitted to ſleep in a great meaſure for reaſons moſt conſiſtent with the lenity and moderation of a free Government. But let the enemies of our eſtabliſhment learn from hence, that if they are ſpared, it is not for want of power, but of inclination to puniſh; and I

hope

hope better things, than to forebode that we ſhall one day feel the effects of an ill-judg'd ſecurity.

At the time when the Roman people by their courage, ſteadineſs and unwearied labours, by the wiſdom of their counſels and the conſtitution of their government, were advancing very faſt to become the Lords of the Univerſe; then it was (as the Hiſtorian informs us) that religion ſuffer'd by the introduction of foreign rites, the ancient worſhip was almoſt loſt, foreign prieſts and diviners had diſpers'd among them books containing forms of prayer and particular methods of ſacrificing: quæſtus ex alieno errore facilis, quem velut ex conceſſæ artis uſu exercebant: primò ſecretæ bonorum indignationes exaudiebantur, deindè ad patres etiam & ad publicam querimoniam exceſſit res; incuſati gravitèr ab ſenatu ædiles triumvirique capitales, *quòd non prohiberent*. The reſemblance is very ſtriking, and may the event be the ſame! A more earneſt occaſion never offered itſelf, nor a conjuncture more intereſting, or more powerful to excite the indignation or the compaſſion at leaſt of the true friends of Religion and Liberty; who will always be mindful, that the penalties and reſtraints of the law are not laid upon any for their religious tenets, but for their ſeditious practices.

Our only ſecurity is in the Wiſdom and Reſolution of His Majeſty's Counſels. For as in the civil affairs

of

of the realm the Prince has his other Council to adviſe Him, and upon their deliberations to act not only with greater advantage to the Public but with a better ſatisfaction to Himſelf, ſo likewiſe in thoſe which concern the ſtate of the Church, (I ſpeak the words of a late Primate) there is no doubt, but that it is the duty as well as wiſdom of a Chriſtian King, to conſult of all theſe matters with Thoſe who have the government of It committed to them by God, and by their direction and aſſiſtance to conduct Himſelf in the exerciſe of this great branch of His Royal Supremacy.

FINIS.

INSTRUCTIONS *for Miniſters, Church-Wardens, and others; in forming true and complete Terriers of Glebe-Lands, and other Poſſeſſions belonging to Churches: purſuant to the 87th Canon.*

THE eighty ſeventh Canon ordains, that the Archbiſhops, and all Biſhops within their ſeveral Dioceſes, ſhall procure (as much as in them lieth) that a true Note and Terrier of all the Glebes, Lands, Meadows, Gardens, Orchards, Houſes, Stocks, Implements, Tenements, and Portions of Tythes lying out of their Pariſhes (which belong to any Parſonage or Vicarage, or Rural Prebend) be taken by the view of honeſt Men in every Pariſh, by the appointment of the Biſhop, whereof the Miniſter to be one, and be laid up in the Biſhop's Regiſtry, there to be for a perpetual memory thereof.

The manifeſt Utility of Terriers taken and renewed according to the beſt Evidences, and made Records in the Public Regiſtries of the Church; and the general Neglect of the Clergy in the regular Exhibition of ſuch Terriers, not thro' any Diſreſpect to the Injunctions of their Superiors, but for want of Precedents to direct them therein; will evince the propriety of recommend-

ing the following Inſtructions to themſelves, as well as to others who are concern'd in forming and drawing them up.

I. Firſt then: Deſcribe the Parſonage or Vicarage Houſe, the Barns, Stables, Out-houſes, and other Buildings belonging thereto—of what Materials they are built, and in what Condition they are—Likewiſe the Gardens, Orchards and Homeſtall—of what Quantity of ground they conſiſt—how bounded, and what part is fenced with Pales, Walls, Rails, or Hedges—Likewiſe who are charged with the Repairs of the Edifices and Church-yard Fences. It is needful to be thus exact, not becauſe any Damage would accrue to the Incumbent or his Succeſſors, if at any time for his own conveniency or good-liking he ſhould make an alteration in theſe ſmaller articles, but becauſe without the mention of them there cannot be a proper and full Deſcription of the Premiſes.

And whereas the Soil and Herbage of the Church-yard, as well as the Trees growing therein, are the Miniſter's, a Note muſt be made of its Fences likewiſe; that they who have immemorially repaired the ſame, may continue ſo to do; whether the Church-wardens in behalf of the Pariſh, or the Owners of the Lands adjoining to the Church-yard, and in this latter reſpect the Miniſter himſelf: the rather too, becauſe if the Church-yard be not well encloſed, the

Church

Church cannot be decently kept, and the Parishioners may be deprived of a common Burying-place for the dead.

Under the same head; If the Inhabitants of any antient Messuage next adjoining to the Church-yard have immemorially, they and their Ancestors, had a Way through the Church-yard, or a private Door opening into it, whereby they can prescribe thereto in respect of the said Messuage, or if any other Person should make any such private Door into the Church-yard, or any such private Way through it, without the Consent of the Minister whose Freehold the Church-yard is, and without a Faculty for the same; let a true and exact Note be made of these things, in order to prevent many Inconveniencies from present or future Incroachments.

II. Describe the Glebe Lands under the several Names whereby they are known by the Inhabitants of the Parish, reciting too their former obsolete Names, if any such occur in ancient Terriers—mention how many Fields or Meadows lie together, and how many Acres or Lands they severally consist of: Tho' it is obvious, that the Fences, which are needful to be described, are not otherwise considerable under this as well as the former Head, than as Boundaries or Marks to ascertain the Quantity of Land, that nothing be lost—For the same reason, carefully set forth the Abuttals or Boundings to the East, West, North and South, shewing how the Lands lie

with reſpect to other Lands in the Poſſeſſion or Occupation of the Pariſhioners; tho' properly in the Deſcription of the Site of Land, the ſides on the breadth are lying or *bordering*, and the ends only in length are *abutting* or *bounding*; which in old Terriers are ſometimes expreſſed by *capitare*, to *head*, whence Abuttals are called *Head-lands*. And becauſe theſe frequently alter by reaſon of the frequent change of the perſons that poſſeſs or occupy the Lands abutting, it is uſual at every Viſitation to require a new copy of the Terrier; that ſo an account being given from time to time of all new Abuttals, according as they ſhall happen, the Right of the whole may thereby be better preſerved. And great care is to be taken not to make any Alteration in the Terrier, ſave in the Abuttals only where there is occaſion for it, but exactly to preſerve the ſame Number of Parcels, the ſame Names, and the ſame Dimenſions of them, if it can be, as were firſt enter'd in the original Terrier. As long as all the Terriers of a Parſonage or Vicarage agree, they are of force, when produced in a Court of Judicature; but if they vary, and one hath more or leſs than another, it creates an uncertainty in them all, which deſtroys their Evidence, and makes them to be of no force for the Preſervation of thoſe Rights, for which they are intended.

If there be a Manor belonging to any Church, ſet forth whereof it is compounded, as of a Houſe, Arable Land, Paſture, Meadow, Wood, Rent, Advow-

ſon,

ſon, Court Baron, Fines, Suit and Service, and ſuch like. Likewiſe, if a Church be poſſeſſed of any Penſion, or Portion of Tythes lying out of the Pariſh, a Note muſt be made in this or ſome like manner; *viz.*

A Penſion of———per Annum, due from ———of———in the County of ———

The Tythes of———in the Common Fields or elſewhere of———in the County of ———

III. If the Incumbent be Rector, ſet down that all manner of Tythes are due to him in kind, except ſuch (if there be any) as muſt be particularly excepted —If he be Vicar, ſet down that the Tythes of ſuch Particulars (as the caſe is) are due to him in kind.—Theſe Notes will be of ſpecial uſe in time to come, to obviate any pretended Modus, or Claim of any parcel of Land, or Sum of Money, or yearly Penſion, having been given to the Parſon or Vicar time out of mind, as ſatisfaction for his Tythes in kind; which may be pleaded by the Lord of the Manor for the Tythes of his Manor, on account of Lands of the gift of one who had been ſo; or by a Pariſh or Hamlet, for ſome particular ſpecies of Tythes, by reaſon of an Orchard held by the Parſon or Vicar in lieu of the Tythe of Apples, or of a Spring-wood in lieu of the Tythe of Underwood, &c. within ſuch Pariſh or Hamlet; or by any private

private Perſon for his own Lands or part thereof, in conſideration of a certain Sum of money or ſome other Recompence. And a more uſeful Caution, in order to preſerve the Revenues of the Church from diminution, cannot be given than this: That every Rector and Vicar do ſome time or other during his Incumbency take the Tythes, that are due to him, in kind; and deſcribe the ſame in a proper Terrier: for it is to be feared, ſince no *real Compoſitions* any more than *Alienations* can be made, that the Growth of Modus's is owing chiefly to the Inadvertency or the Indolence of the Clergy, acquieſcing from time to time in the ſame Agreements, which become every day more diſadvantageous to themſelves.

Proceed then to note, as within the above Exception;

Firſt, The ſeveral Lands within the Pariſh that are exempted from paying any Tythes at all, or any particular kind of Tythes.

Secondly, The ſeveral Preſcriptions, or eſtabliſhed Modus's belonging to the whole Pariſh, or to any particular Farm or Farms, or parcel of Land. And

Thirdly, The ſeveral Cuſtoms belonging to the Pariſhioners in general, either in payment of any manner of Tythes or Offerings, or in lieu and in diſcharge of the ſame.

Regularly Preſcription is *perſonal*, being always made in the name of a certain Perſon, or his Anceſtors, or thoſe to whom certain Houſes, Lands, or Eſtates have be-

belonged: Cuſtom is *local*, and refers to ſome particular County, Hundred, or Pariſh. Both ought to be without interruption, and of ſuch ancient Date that no memory of man can contradict: and ſuch being once duly acquired cannot be ſet aſide. Theſe therefore ought to be particularly noted: as on the other hand, where there is no ſpecial Preſcription or Cuſtom to diſcharge the common Right, or on the contrary ſome ſpecial Preſcription or Cuſtom to confirm it, be very particular with reſpect to ſuch Tythes as are moſt of all apt to create diſputes: Such are After-Math, After-Paſture, Agiſtment, &c. A Parſon may by Cuſtom have Tythes of ſuch things as are not tytheable of common Right; theſe, if there be any ſuch, he will be careful to note in his Terrier; likewiſe, if any Mills in his Pariſh, as well other Mills as Corn-Mills, have uſually paid Tythes; alſo what Trees, being reputed Timber-Trees, are privileged by the Statute of Sylva Cædua.

IV. Set forth the Uſage as to the Manner of tything Hay, Corn, Milk, &c. as whether the Pariſhioner makes the Tythe into Hay, or it is ſufficient if it be ſet into Graſs-Cocks and (ſo tythed) be left wholly to the care of the Parſon—Whether Corn is tythed by the tenth Shock, Cock, or Sheaf,—Whether Milk is tythed by the tenth Part of every Meal, or by every tenth Meal entire; and at what Place; whether it is

ſet

ſet out in a ſafe Place at the Farm, or brought by the Pariſhioner to the Church-porch, or elſe delivered at the Houſe of the Rector or Vicar. A clear Knowledge of theſe Particulars is of great importance to a poor Incumbent for the more eaſy Recovery of his ſmall Tythes. And for the ſame reaſon, be very exact in noting when the Incumbent is to have a Colt, Calf, Pig, or Lamb, or any other Individual at the Number of Seven, and what Allowance has uſually been made by the Pariſhioner at that Number, or if there be Eight or Nine; and what the Cuſtom is at each Number under Seven. Theſe Things indeed are uſually compriſed in the Eaſter-Roll; and they muſt be ſpecified in the Terrier, that if the Eaſter-Roll be loſt or embezzled, the Terrier may be Evidence of them.

V. Note the Surplice-Fees according to the immemorial Cuſtom of the Pariſh, for Offerings, Churchings, Marriages, Burials and Mortuaries. Likewiſe the Fees for breaking the Ground in the Church and Chancel, which generally belong to them on whom is the Burden of repairing the Pavement.—Alſo the Wages of the Clerk and Sexton; whether cuſtomary, and what—and who appoints them.

Under this Head may very properly be mention'd the Duty that has uſually been perform'd by the Miniſter in the Church; and the particular Reaſon why, if any Part of it has been omitted. For tho' the Law requires

full

full Service from the Miniſter of every Pariſh, that is, both Forenoon and Afternoon on every Lord's Day, yet this is not to be expected, where the Benefice is inſufficient fully to maintain the Miniſter.

VI. Note, what Penſions, Fee-Farm Rents, or other Payments are charged upon the Benefice: Likewiſe Firſt-Fruits, Tenths, Procurations to the Biſhop and Archdeacon——Whether it be ſubject to Epiſcopal and Archidiaconal Juriſdiction, or exempt from both or either.

VII. Nor muſt the Cuſtoms claimed by the Pariſh be omitted to be diſtinctly noted; ſuch as a Tythe-Feaſt, Maintenance of a Bull, Boar, &c.

VIII. The Furniture in the Church and Chancel——the Pariſh-Regiſter, wherein all Chriſtenings, Marriages, and Burials are duely entered——the Utenſils; Clock, Books, Surplices, &c.—the Communion Plate, with the Weight thereof and Inſcriptions thereon—may likewiſe be inſerted in a Terrier; tho' Inventories of theſe Things are more properly exhibited at the Archdeacon's Parochial Viſitation. And by a Statute in the ſeventh Year of Queen Anne, for the better Preſervation of Parochial Libraries, it is enacted; that where any Library is appropriated to the Uſe of the Miniſter of any Pariſh or Place, every Rector, Vicar, Miniſter

or Curate of the ſame, ſhall within ſix Months after his Inſtitution, Induction, or Admiſſion, take a new Catalogue of the ſame, to be ſigned by himſelf and delivered to the Ordinary.

IX. Houſes or Tenements, Lands, and Money in Stock for the Repairs of the Church or Utenſils belonging to it; alſo Writings concerning the ſame, and in whoſe Cuſtody, are by no means to be omitted. Note, whether ſuch Repairs have uſually been extended to the Chancel as well as to the Body of the Church: for otherwiſe great wrong is done to the Miniſter.—— And in all caſes of Rectors, Vicars and Curates, if there be any thing given by any charitable Perſon or Perſons to augment the Revenue, particular Mention muſt be made thereof in the Terrier, and a Copy or Copies of Settlement or Settlements (if extant) muſt be annexed to it, and delivered in with it.

X. Where the Incumbent is Curate only, and is paid for ſerving the Cure in Tythes, the foregoing Inſtructions, as they relate to a Rector, will ſuffice, if he has all the Tythes allowed him by the Impropriator; and if he has but Part of the Tythes allowed him, the ſame Inſtructions, as they relate to a Vicar, may ſerve him. But if the Curate is paid partly in Tythes and partly in Money, then muſt the Terrier be made of the Tythes according to the foregoing Inſtructions, and the

Sum

Sum of Money annually paid him must be added in the Close of it. And if he is paid in Money only, the annual Sum must be set down, together with the Surplice Fees and other Emoluments, if there be any.

XI. In the Terrier of a Chapel, note moreover the following Particulars, *viz.*

1. Whether the Incumbent of the Mother-Church, or the Inhabitants of the Chapelry, or the Patron of the Chapel, be bound to provide and pay the Curate, and who nominates him thereto.

2. What Allowance the Curate or Chaplain has usually received from such Person or Persons so bound to pay him, or what other Emoluments of any Kind.

3. And if he has all or any Portion of the Tythes arising within the Chapelry allowed him, a Terrier must be added of these Tythes, pursuant to the Instructions in the Cases of Rectors and Vicars: And if he has no Allowance either from the Incumbent or the Inhabitants, but some Portion of Land or Stipend of Money given by some pious and charitable Person for the Service of the Cure, it must be set down in the Terrier, with a Copy of the Settlement annexed, as in the former Cases.

These several Particulars carefully noted by the Minister with the assistance of other honest men, according to the best Evidences and Knowledge of the most ancient

cient Inhabitants, will form a true and complete Terrier of all the Glebe Lands, Meſſuages, Tenements, Tythes and other Poſſeſſions and Rights belonging to any Rectory, Vicarage, or Curacy; which is moreover to be written out or engroſſed in two fair Copies in Parchment, and atteſted by the Miniſter, and Churchwardens or principal Inhabitants; whereof one is to be laid up in the Pariſh Cheſt, and the other in the Biſhop's Regiſtry, for a perpetual memory thereof.

FINIS.

Lately publiſhed, by the ſame Author,

SOME Obſervations on two Pamphlets concerning the Marriage [illegible] Edition, with an Appendix containing a Reply to the Rev. Dr. Stebbing's Remarks on Obſervations, &c. 1755.

A Sermon preached before the Sons of the Clergy at St. Paul's, 20 April, 1758.

The Caſe of Incurable Lunaticks, and the Charity due to them particularly [illegible] Aſpital-ſermon preached before the Lord Mayor, &c. in Eaſter Week, 1759.

A Charge to the Clergy, &c. 1759.

A Charge to the Clergy, &c. 1760.